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BILL ANALYSIS

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Senate Bill 301 (as introduced 3-10-05)
Sponsor: Senator Jud Gilbert, II
Committee: Transportation

Date Completed: 3-14-05

CONTENT

The bill would amend Public Act 222 of 1972, which provides for an official State personal identification card, to do the following:

- **Require an application for a State ID card to contain certain information, including the applicant's intent to be an organ donor.**
- **Require the Secretary of State (SOS) to provide information about the Organ, Tissue, and Eye Donor Registry and an applicant's right to make an anatomical gift in conjunction with the application for a State ID card.**
- **Require the SOS to establish and maintain the Registry in a manner that provided electronic access to Michigan's Federally designated organ procurement organizations and tissue and eye banks.**
- **Require the SOS to ask each State ID card applicant or holder whether he or she agreed to participate in the Registry.**
- **Require a State ID card to include a sticker or decal indicating that the holder had designated a patient advocate or carried an emergency medical information card.**
- **Require the State ID card of a person who wished to participate in the Registry to contain a heart insignia.**
- **Require the SOS to waive the renewal fee for an individual who added to or removed from the State ID card a heart insignia.**

The bill is tie-barred to House Bills 4082 and 4470, which propose similar amendments to the Michigan Vehicle Code regarding an applicant for or holder of a driver license. The House bills are tie-barred to Senate Bill 301.

The bill would require an application for a State personal identification card to be made in a manner prescribed by the SOS and contain the applicant's full name, date of birth, residence address, height, sex, eye color, signature, and other information required or permitted on the official card. Beginning January 1, 2007, the application also would have to include the applicant's intent to be an organ donor. The applicant could provide a mailing address if he or she received mail at an address other than his or her residence address.

Currently, in conjunction with the issuance of a State ID card, the SOS must provide written information explaining the applicant's right to make an anatomical gift in the event of death under Part 101 of the Public Health Code, as well as information describing the Organ Donation Registry program maintained by Michigan's Federally designated organ procurement organization (Gift of Life) and giving the applicant the opportunity to be placed on the Registry. The bill would delete the requirement that the information be written, and

would require the SOS to provide this information in conjunction with the application for a State ID card, in addition to the issuance of a card. The bill also would refer to the Organ, Tissue, and Eye Donor Registry rather than the Organ Donor Registry. In addition, when issuing a State ID card, the SOS currently must give an applicant the opportunity to specify on his or her State ID card that he or she is willing to make an anatomical gift in the event of death. The bill would require this in conjunction with the application, as well.

(Under Part 101 of the Public Health Code, an individual who is at least 18 years old and of sound mind may make a gift of all or a physical part of his or her body, effective upon his or her death, to any of the following:

- Any hospital, surgeon, or physician for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation.
- Any accredited medical or dental school, college, or university for education, research, advancement of medical or dental science, or therapy.
- Any bank or storage facility for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation.
- Any specified individual for therapy or transplantation.
- Any approved or accredited school of optometry, nursing, or veterinary medicine.

Under Part 101, a State ID card containing a statement that the card holder is an organ and tissue donor, along with the signature of the holder and at least one witness, constitutes a document of gift.)

Currently, the SOS must inform the applicant that, if he or she indicates a willingness to have his or her name placed on the Registry, the SOS will forward his or her name and address to the Registry. Under the bill, the SOS would have to inform the applicant, instead, that the SOS would mark his or her record for the Registry.

Under the Act, if an applicant indicates a willingness to have his or her name placed on the Registry, the SOS must forward the applicant's name and address to the Registry within 10 days. Under the bill, this requirement would apply until January 1, 2007. Beginning on that date, the SOS would have to maintain a record of the individual. This information would be exempt from disclosure under the Freedom of Information Act. The bill also would require the SOS to establish and maintain the Registry in a manner that provided electronic access to Gift of Life, its successor organizations, and tissue and eye banks with limitations on the use and access to the Registry as determined by the SOS.

The Act requires an official State personal ID card to contain a statement that the person is an organ and tissue donor under Part 101 of the Public Health Code, the person's signature, and the signature of at least one witness. Under the bill, the requirement would apply until January 1, 2007. Beginning on that date, if a "licensee" indicated his or her wish to participate in the Registry, the ID card would have to include a heart insignia on the front. Additionally, it would have to contain a sticker or decal as specified by the SOS to indicate that the cardholder had designated one or more patient advocates under the Estates and Protected Individuals Code, or a statement that he or she carried an emergency medical information card.

(The Act presently requires the SOS to designate on the ID card a space where the applicant may place a sticker or decal to indicate that he or she carries a separate emergency medical information card or has designated a patient advocate. The sticker or decal may be provided by any person, hospital, school, medical group, or association interested in helping to implement the emergency medical information card, which may contain information indicating that the person is an organ donor, information concerning the patient advocate designation, other emergency medical information, or an indication as to where the cardholder has stored or registered such information.)

The Act allows a person to indicate on a State ID card in a place designated by the SOS a statement that he or she has made an anatomical gift under Part 101 of the Public Health Code. Under the bill, this provision would apply until January 1, 2007.

Under the Act, an applicant must pay a \$10 fee for each original or renewal ID card issued. The SOS is required to waive the fee, however, if the applicant is at least 65 years old; has had his or her operator's or chauffeur's license suspended, revoked, or denied due to a mental or physical infirmity or disability; presents evidence of statutory blindness; or presents other good cause for a fee waiver. Under the bill, beginning January 1, 2007, the SOS also would have to waive the fee for a person who wished to add or remove a heart insignia.

The bill would require the SOS, beginning January 1, 2007, to inquire of each person who applied for or held an official State ID card whether he or she agreed to participate in the Organ, Tissue, and Eye Donor Registry. The SOS would have to make this inquiry in person or by mail. A person who agreed to participate would not be considered to have revoked that agreement solely because his or her ID card expired.

The bill specifies that enrollment in the Registry would constitute a legal agreement that remained binding and in effect after the donor's death, regardless of the expressed desires of the deceased donor's next of kin who might oppose the donation.

MCL 28.291 & 28.292

Legislative Analyst: Julie Koval

FISCAL IMPACT

Programming costs would be absorbed through the Department of State's Business Application Modernization Project. Minimal costs would result from inquiry requirements regarding whether applicants or current personal identification cardholders wished to participate in the Registry.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.